



CITY OF MEMPHIS

COUNCIL AGENDA

January 22, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (January 8, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

1. RESOLUTION accepting CHRISTY MEADOWS SUBDIVISION and authorizing release of bond.

Case No. S 06-041
(Contract No. CR-5054)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Springer Drive, 317.16 feet west of the intersection of Walnut Trace Drive. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$18,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION accepting BIG ORANGE SUBDIVISION and authorizing release of bond.

Case No. S 02-056cc
(Contract No. CR-5072)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Cordova Park Road and Big Orange Road. The standard improvement contract was approved on April 24, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$130,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION accepting SANGA ROAD SEWER EXTENSION and authorizing release of bond.

Case No. S 02-038
(Contract No. CR-5067)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Trinity Road and Sanga Road. The standard improvement contract was approved on April 10, 2007. Resolution also authorizes the release of the cashier's check in the amount of \$46,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD (None)

NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:



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REGULAR AGENDA

4.
Flinn

APPOINTMENTS

Chief Administrative Officer

Reappointment

Keith L. McGee

Division Directors

Reappointments

City Attorney – Elbert Jefferson, Jr.

City Engineer – Wain Gaskins

Director of Finance – Roland McElrath

Director of General Services – Estrice Boone, Jr.

Director of Housing & Community Development – Robert Lipscomb

Director of Human Resources – Lorene Essex

Director of Park Services – Cynthia Buchanan

Director of Planning & Development – Richard Copeland

Director of Fire Services – Richard Arwood

Director of Police Services – Larry Godwin

Appointments

Director of Community Enhancement – Ernest Dobbins

Director of Public Services & Neighborhoods – Kenneth Moody

Director of Public Works – Dwan L. Gilliom

GENERAL ORDINANCE – THIRD AND FINAL READING

5. **ORDINANCE** amending Chapter 21, Article VI, Section 237 of the Code of Ordinances to prohibit Minors Soliciting from Right of Ways, up for T H I R D and F I N A L reading. (Held from 1/8)

Lowery

Ordinance No. 5248

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION

6. RESOLUTION accepting grant funds in the amount of \$80,000.00 from Shelby County Government for the Transportation Planning Grant Project to pay a portion of personnel services for transportation planning for the Metropolitan Planning Organization. Grant funds are matched with a 20% match from the Engineering Operating Budget. Resolution also amends the FY 2008 Operating Budget to establish and appropriate grant funds.

Morrison

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

7. RESOLUTION approving the sale of City owned property with improvements which has been deemed surplus, located on the east side of Barton, north of Raines Road, known as 4122 Barton (former Whitehaven Library). The Shelby County Assessor's Office identifies the parcel as Ward 078, Block 100, Parcels 00011 and 00012 and indicates the property contains .52 acre more or less.

Morrison

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

8. RESOLUTION transferring an unencumbered appropriation of \$159,522.00 funded by G.O. Bonds General, from Architecture and Engineering to Construction. Resolution transfers an unencumbered appropriation of \$113,920.00 funded by G.O. Bonds General, from Architecture and Engineering to Construction, from PK04006. Resolution also transfers an unencumbered appropriation of \$327,683.00, funded by G.O. Bonds General from Architecture and Engineering to Construction, from PK04010 and appropriates \$323,000.00 in Construction Funds, funded by G.O. Bonds for a total contract amount of \$834,798.00 and a total project cost of \$1,206,798.00.

Strickland

Council did include Aquatic Facilities Major Maintenance, CIP Project Number PK04002 for \$362,000.00 as part of the FY 2008 Capital Improvement Program. Five bids were received on December 21, 2007 for Pool Shell Renovations at Douglass, Lester, Gooch, Pierotti and Willow Pools with the lowest and best bidder being the firm of Memphis Pool Supply Co., Inc.

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

9. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation of \$1,080,000.00 funded by G.O. Bonds (Storm Water) from Drainage-ST, Project Number ST03006 to Rehab Storm Water Structures-ST, Project Number ST03077 for installation of cured-in-place pipe. Resolution also appropriates \$1,080,000.00 funded by G.O. Bonds (Storm Water) for Rehab Storm Water Structures-St, Project Number ST03077 for a construction contract with Moore Construction Company, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING

10. **ORDINANCE** requesting approval of a correction ordinance to correct a clerical error in the ordinance forwarded to Council Records by the Office of Planning and Development. Due to a clerical error, the rezoning ordinance referred to rezoning to the Moderate Density (MDR) District. This item proposes approval of the ordinance corrected to show the zoning as recommended by the Office of Planning and Development, the Land Use Control Board and the Memphis City Council Planning and Zoning Committee as rezoning to the High Density Residential (HDR) District. **(This item was previously approved by City Council on January 3, 2006)**

Lowery

Ordinance No. 5145
Case No. Z 05-133

Location: Located on the northwest corner of N. Third Street and Keel Avenue; east side of N. Third Street, north of Keel Avenue, containing 0.81 acre in the Mixed Use (MU) District

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting – Cindy Reaves

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt corrected Zoning Ordinance

DIVISION OF PLANNING & DEVELOPMENT (None)

PUBLIC HEARING

11. **RESOLUTION** approving a street alley closure located north of the intersection of U.S. Highway 78 and Old Lamar Avenue, containing 3.449 square feet in the Light Industrial (I-L) District.

Lowery

Case No. SAC 07-609

Applicant: BNSF Railway Company
W. Max Rexroad/Hanson-Wilson – Representatives

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems
advisable

8 NOTICES MAILED ON JANUARY 11, 2008

PRESENTATIONS AND RECOGNITION OF VISITORS

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

12. RESOLUTION accepting LAGRANGE COMMONS PLANNED DEVELOPMENT and authorizing release of bond.

Consent

Case No. PD 05-311cc
(Contract No. CR-5055)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Raleigh LaGrange south of Macon Road. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$265,000.00. This action is subject to county approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of AUSTIN PARK PLACE SUBDIVISION.

Consent

Case No. S 07-028

Resolution approves the final plat located on the west side of Horn Lake Road; south of Cypress Circle. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting STONEBRIAR P.D., PHASE 6, SEWER EXTENSION and authorizing release of bond.

Consent

Case No. PD 03-335cc
(Contract No. CR-5021)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Stateline Road, west of Hacks Cross Road. The standard improvement contract was approved on July 25, 2006. Resolution also authorizes the release of the certificate of deposit in the amount of \$98,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

APPOINTMENTS

Flinn

Division Directors – Reappointments

15. Reappointment of City Attorney – Elbert Jefferson, Jr.

ADD-ONS

16. Reappointment of City Engineer – Wain Gaskins
17. Reappointment of Director of Finance – Roland McElrath
18. Reappointment of Director of General Services – Estrice Boone, Jr.
19. Reappointment of Director of Housing & Community Development – Robert Lipscomb
20. Reappointment of Director of Human Resources – Lorene Essex
21. Reappointment of Director of Park Services – Cynthia Buchanan
22. Reappointment of Director of Planning & Development – Richard Copeland
23. Reappointment of Director of Fire Services – Richard Arwood
24. Reappointment of Director of Police Services – Larry Godwin

Division Directors – Appointments

25. Appointment of Director of Community Enhancement – Ernest Dobbins
26. Appointment of Director of Public Services and Neighborhoods – Kenneth Moody
27. Appointment of Director of Public Works – Dwan L. Gilliom
28. RESOLUTION giving MLGW'S General Counsel contract authority in the amount of \$93,531.79 for two claims settlement contracts.

Ware

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 4 – Approved
5. Sent Back to Committee on February 5, 2008
6. Through 28 – Approved

ACTION TAKEN ON THE MINUTES OF JANUARY 8, 2008 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEM #8 & #28, FROM TONIGHT'S MEETING

Approved